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## Rules, Regulations, Orders

### TITLE 7—AGRICULTURE

#### CHAPTER VIII—SUGAR DIVISION

##### PART 802—SUGAR DETERMINATIONS

#### DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1939-1940 CROP OF PUERTO RICAN SUGARCANE.

Whereas, Section 301 (d) of the Sugar Act of 1937, approved September 1, 1937, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Whereas, the Secretary of Agriculture, on January 9, 1940, held a public hearing<sup>1</sup> at San Juan, Puerto Rico, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1940 crop of Puerto Rican sugarcane:

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby make the following determination with respect to the requirements of Section 301 (d) of the Sugar Act of 1937:

§ 802.42b *Fair and reasonable prices for the 1939-40 crop of Puerto Rican sugarcane.* Fair and reasonable prices for the 1939-40 crop of Puerto Rican sugarcane to be paid by processors who, as producers, apply for payments under the Sugar Act of 1937 shall be as follows:

(a) When payment for sugarcane delivered to a producer-processor is made by actual delivery of sugar to the producer (colono) on the basis of a stated

percentage of 96° raw sugar recoverable from the producer's sugarcane, such percentage shall be the same as for the 1938-1939 crop, except that in no event shall it be less than 63 percent of the recoverable sugar (packed in the customary bags) determined in accordance with either of the formulae given below, and except, further, that such recoverable sugar shall be calculated fortnightly or monthly as may be agreed upon between the producer and the producer-processor:

$$(1) \quad R = FS$$

where:

R=Recoverable sugar, 96° polarization.

S=Polarization of the crusher juice obtained from the sugarcane of each producer, during each fortnight or month.

F=Fraction whose numerator is the average yield of sugar of 96° polarization obtained from the aggregate grinding during each fortnight or month in which the cane of the producer (colono) has been ground, and whose denominator is the average polarization of the crusher juice obtained from the aggregate grinding during the fortnight or month in which the cane of the producer (colono) has been ground;

or

$$(2) \quad R = (S - 0.3B)F$$

where:

R=Recoverable sugar yield, 96° polarization.

S=Polarization of the crusher juice obtained from the sugarcane of each producer.

B="Brix" of the crusher juice obtained from the sugarcane of each producer.

F=Factor obtained from the fraction whose numerator is the average yield of sugar 96° polarization obtained from the aggregate grinding during each fortnight or month in which the cane of

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<sup>1</sup> 5 F.R. 23.





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the producer is ground, and whose denominator is the average polarization of the crusher juice minus three-tenths of the Brix of the crusher juice, both components of the denominator being obtained from the aggregate grinding during the fortnight or month in which the cane of the producer has been ground:

*Provided, however,* That when through the delivery of unripe or burnt cane, or through any other cause, the recoverable sugar determined in accordance with either of the foregoing formulae amounts to nine pounds or less per 100 pounds of cane, or when sugarcane is delivered of the Japanese, Uba, Coinbatore, or other varieties of the *Sacharum Spontaneum* or *Sacharum Sinensis* type, the payment shall be on the basis of rates not less than those provided in the 1938-1939 cane grinding agreement between the producer-processor and the producer.

(b) When payment for sugarcane delivered to a producer-processor is made by actual delivery of sugar to the producer on the basis of an amount of 96° raw sugar equal to a stated percentage of the weight of the sugarcane received from the producer (commonly referred to as the "flat rate" basis), the applicable percentage for the computation of the quantity of sugar deliverable to the producer shall be not less than the greater of either: (1) the percentage provided for in existing contracts (verbal or written) between the producer and the producer-processor; or (2) the product of the average number of pounds of sugar, 96° basis, recovered per 100 pounds of sugarcane during the current crop or month, or week (as may be agreed upon) at the mill where the sugar cane was ground, and 0.63.

The figure for the average number of pounds of sugar, 96° basis, recovered per 100 pounds of sugarcane shall be rounded to the nearest one-tenth of a pound. The product of such figure and 0.63 shall be rounded to the nearest one-hundredth of 1 percent. If payment is to be determined from the sugar recovery for the entire crop, as aforesaid, provisional liquidation shall be made fortnightly or monthly on such bases as may be agreed upon between the producer (colono) and the producer-processor.

(c) When settlement is not made by actual delivery of 96° raw sugar, as aforesaid, the money value of the sugar which would otherwise be delivered to the producer, as in (a) or (b) above (whichever is applicable), shall be paid to the grower on the basis of the average duty paid price for 96° sugar for the fortnight or month (or such other period as may be agreed upon between the producer and the producer-processor) during which the sugarcane is delivered to the producer-processor, converted to the equivalent f. o. b. mill price by deducting selling and delivery expenses actually incurred by the producer-processor, except that in no event shall such deduction amount to more than 0.27 cent per pound of sugar: *Provided, however,* That settlement may be made for the quantity of sugar in excess of 84.154 per centum of that assumed to be deliverable from the producer's initial proportionate share (as a basis for computing the cash payment) by the delivery of sugar to the producer, except that in no event shall such partial settlement in sugar be made if the producer's initial proportionate share is 15 tons of sugar or less.

(d) When payment is made by delivery of sugar as in (a) or (b) above, the entire delivery or that part of the delivery representing 84.154 per centum of the producer's initial proportionate share, whichever is the smaller, shall constitute sugar eligible for marketing under the 1940 quotas, except that if a producer's proportionate share is 15 tons of sugar or less, the entire delivery shall constitute sugar eligible for marketing within the 1940 quotas.

In addition to the foregoing, the following requirements shall be met:

(1) Any and all "normal carryover inventory" sugar due the grower under (a), (b), (c), or (d) above, shall be stored and insured by the processor free of charge to the grower.

(2) When sugarcane is delivered to a producer-processor in the name of a person other than the producer thereof (commonly referred to as "purchasing agent"), the producer-processor shall make payment to the producer of such sugarcane in accordance with the provisions of this determination.

(Sec. 301, 50 Stat. 909; 7 U.S.C., Sup. IV, 1131)

Done at Washington, D. C., this 20th day of February 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 40-752; Filed, February 20, 1940; 12:40 p. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER III—CLAIMS AND ACCOUNTS

#### PART 35—PAYMENT OF BILLS AND ACCOUNTS<sup>1</sup>

##### PAYMENTS FOR TELEPHONE AND TELEGRAPH SERVICE

§ 35.18 *Rates, general*—(a) *Telephone service.* Where a contract for the furnishing of telephone service to the Government provides for payment at legally established rates, payment for services currently rendered is authorized at the increased rates established by city ordinance after court determination of insufficiency of prior rates. 15 Comp. Gen. 896.

(b) *Telegraph service*—(1) *Official messages.* The rates for communications by telegraph between the several departments of the Government and their officers and agents in their transmission over the lines of any telegraph company to which has been given the right-of-way, timber, or station lands from the public domain are fixed annually by the Federal Communications Commission pursuant to the provisions of section 5266, Revised Statutes, as amended.

(2) *Personal messages.* Administrative offices may increase amounts claimed for telegraph services by the difference between the Government rate billed and the commercial rate for messages of a personal nature where collection at the commercial rate, plus tax, has been made from the individual for whose benefit the services were rendered, and deposited in special deposit funds, provided the voucher shows the full cost of the telegrams at commercial rates is being charged to the special deposit funds. See 17 Comp. Gen. 873. (R.S. 161; 5 U.S.C. 22) [Pars. 2c, 4a, j, A.R. 35-6100, Feb. 5, 1940]

§ 35.19 *Bills paid monthly.* In general, all official telegrams will be charged to and paid for at the sending office on monthly bills, which will be submitted by the local telegraph office direct to the local commanding officer. Such bills will be supported by proofs of service which, except telegrams of a confidential nature, will be the original telegrams bearing the operator's original pencil notations or indorsement of transmission

<sup>1</sup> Sections 35.18 to 35.21, incl., are superseded.



showing actual performance. (See 14 Comp. Gen. 825, 16 id. 217) If charges are included in these monthly bills for messages received "Government collect," carbon copies will be accepted in support of the charges. See MS. Comp. Gen. A-13067, December 18, 1935. (R.S. 161; 5 U.S.C. 22) [Par. 4e A.R. 35-6100, Feb. 5, 1940]

§ 35.20 *Bills to be paid within five days.* Disbursing officers to whom bills are submitted for payment will settle such accounts within 5 days after receipt, making payment to the local telegraph office rendering the account. This will not be construed as authorizing payment when papers necessary to support the voucher are not in the possession of the disbursing officer. (R.S. 161; 5 U.S.C. 22) [Par. 4g, A.R. 35-6100, Feb. 5, 1940]

§ 35.21 *Payment to initial company.* In settling accounts for telegrams which pass over the lines of more than one company (bond-aided excepted), payment may be made on the original telegram to the initial company for the entire service. (R.S. 161; 5 U.S.C. 22) [Par. 4h, A.R. 35-6100, Feb. 5, 1940]

[SEAL]

E. S. ADAMS,

Major General,

The Adjutant General.

[F. R. Doc. 40-746; Filed, February 20, 1940; 10:35 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### CHAPTER I—INTERSTATE COMMERCE COMMISSION

[No. 3666]

#### ORDER IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: J. Haden Alldredge, Commissioner, to whom the above entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles by rail in freight, express, and baggage services, and by water and highway, being under further consideration:

And it appearing, that upon applications made by interested parties, certain proposed new and amended regulations should be established pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), and upon investigation had are found to be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport:

It is ordered, That the aforesaid regulations as heretofore published in orders of May 12, 1930, April 7, 1931, June 27, 1931, December 15, 1931, August 24, 1934, November 1, 1934, and February 13, 1939, be and they are hereby amended as follows:

<sup>1</sup> 4 F.R. 1017.

#### PART I—RAIL FREIGHT

Amending par. 235 (b), order May 12, 1930, as follows (*packing inflammable liquids*):

(Add) No. 12E. Fiberboard box with a single square metal inside container of not over 5-gallons capacity.

Superseding and amending 3d subpar., par. 303 (a), order May 12, 1930, as follows (*packing strike-anywhere matches*):

Or in fiberboard boxes, specification 23B, 23C, 23E, 24B, or 24C, with inside containers; not over 60 pounds each.

Amending par. 352, order June 27, 1931, as follows (*packing anhydrous liquid chlorides*):

(Add) 352. (f) *Phosphorus trichloride or phosphorus oxychloride* may also be shipped in nickel barrels or drums, specification 5K.

Amending table, par. 396 (c), order May 12, 1930, as follows (*packing compressed gases*):

Article: (Add) Nitrosyl chloride, non-inflammable; exemption (par.), 397; packing (par.), 398 to 405.

Amending table, par. 405, order May 12, 1930, as follows (*packing compressed gases*):

Kind of gas: (Add) Nitrosyl chloride; maximum filling density (per cent), 110; cylinders used, ICC-3BN400 only.

Amending par. 513, order May 12, 1930, as follows (*packing class C poisons*):

(2d add.) No. 5, 5A, 5B, 6A, 6B, and 6C. Metal barrels or drums; authorized only for diphenylaminechlorarsine.

#### PART II—RAIL EXPRESS

Amending par. 125 (b), order May 12, 1930, as follows (*packing inflammable liquids*):

(Add) No. 12E. Fiberboard box with a single square metal inside container of not over 5-gallon capacity.

Amending table, par. 206 (c), order May 12, 1930, as follows (*packing compressed gases*):

Article: (Add) Nitrosyl chloride, Non-inflammable; exemptions (pars.), 207.

Amending table, par. 215, order May 12, 1930, as follows (*packing compressed gases*):

Kind of gas: (Add) Nitrosyl chloride; maximum filling density (per cent), 110; cylinders used, ICC-3BN400 only.

Amending par. 250, order May 12, 1930, as follows (*packing class C poisons*):

(Add) (3d subpar.) No. 5, 5A, 5B, 6A, 6B, and 6C. Metal barrels or drums; authorized only for diphenylaminechlorarsine.

#### Specification 1A

Superseding and amending 3d subpar., par. 4 (a), specification 1A, order May 12, 1930, to read as follows:

Gaskets to be of 1/4-inch asbestos rope or other resilient material equivalent in efficiency; gaskets cut from asbestos board not authorized.

Amending order May 12, 1930, as follows:

#### (Add) Specification 3BN—Seamless Nickel Cylinders

##### General

1. *Compliance.* Required in all details.  
2. (a) *Type and size.* Seamless; not over 125 pounds water capacity.

(b) *Service pressure.*<sup>1</sup> At least 150 pounds per square inch.

##### Inspection

3. *Inspection by whom and where.* By competent inspector; chemical analyses and tests, as specified, to be made within limits of the United States. Interested inspectors are authorized.

4. (a) *Duties of inspector.* Inspect all material and reject any not complying with requirements.

(b) Verify chemical analysis of each heat of material by analysis or by obtaining certified analysis: *Provided*, That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analyses of samples taken from one cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; obtain samples for all tests and check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity and tare weight (see report form) and minimum thickness of wall noted.

(d) Render complete report (par. 21) to purchaser, cylinder marker, and the Bureau of Explosives.

##### Material

5. *Nickel.* At least 99 per cent pure nickel plus cobalt.

6. *Identification of material.* Required; any suitable method except that plates and billets for hot-drawn cylinders shall be marked with heat number.

7. *Defects.* Material with seams, cracks, laminations, or other injurious defects, not authorized.

##### Construction

8. *Manufacture.* By best appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Cylinders closed in by spinning process not authorized.

9. (a) *Wall thickness.* The wall stress shall not exceed 15,000 pounds per square inch. Minimum wall 0.100-inch for any cylinder over 5 inches outside diameter.

<sup>1</sup> The "service pressure" limits the use of the cylinder. It is generally shown by marks on cylinder; for example, ICC-3BN400 indicates the service pressure as 400 pounds per square inch.



(b) Calculation must be made by the formula:

$$S = \frac{P(1.3D^2 + 0.4d^2)}{D^2 - d^2}$$

where  $S$ =wall stress in pounds per square inch;  $P$ =test pressure prescribed for water jacket test or 450 pounds per square inch whichever is the greater;  $D$ =outside diameter in inches;  $d$ =inside diameter in inches.

10. *Heat treatment.* The completed cylinders must be uniformly and properly heat treated for  $\frac{1}{2}$  hour at 1,000° F. prior to tests.

11. (a) *Openings in cylinder and connections (valves, fuse plugs, etc.) for those openings.* Threads required; to be clean cut, even, without checks and tapped to gauge.

(b) Taper threads required for service pressure over 300 pounds per square inch; to be of length not less than as specified for American Standard taper pipe threads.

(c) Straight threads having at least 4 engaged threads are authorized for service pressure not over 300 pounds per square inch; to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

12. *Safety devices and protection for valves, safety devices, and other connections, if applied.* Must be as required by the Interstate Commerce Commission's regulations that apply (see pars. 418 and 419 of requirements applying to rail freight transportation.)

#### Cylinder Tests

13. (a) *Hydrostatic test.* By water jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of 1 per cent. Expansion gauge must permit reading of total expansion to accuracy either of 1 per cent or 0.1 cubic centimeter.

(b) Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied after heat treatment and previous to the official test must not exceed 90 per cent of the test pressure nor be within 100 pounds thereof.

(c) Permanent volumetric expansion must not exceed 10 per cent of total volumetric expansion at test pressure.

(d) Each cylinder must be tested to at least 2 times service pressure.

14. *Flattening test.* Between knife edges, wedge shaped, 60° angle, rounded to  $\frac{1}{2}$  inch radius; test 1 cylinder<sup>a</sup> taken at random out of each lot of 200 or less, after hydrostatic test.

15. (a) *Physical test.* Required on 2 specimens cut longitudinally from 1 cylinder<sup>a</sup> taken at random out of each lot of 200 or less.

<sup>a</sup>For lots of 30 or less, physical and flattening tests are authorized to be made on a ring at least 8 inches long cut from each cylinder and subjected to same heat treatment as the finished cylinder.

(b) Specimens must be: Gauge length 8-inch with width not over  $1\frac{1}{2}$  inches; or gauge length 2-inch with width not over  $1\frac{1}{2}$  inches.

(c) Yield point must be taken as the stress in pounds per square inch corresponding to a strain of at least 0.003 inch per inch determined under cross head speed not over  $\frac{1}{8}$  inch per minute; the zero point for strain measurement shall be taken at approximately 12,000 pounds per square inch.

16. *Acceptable results for physical and flattening tests.* Either of the following:

(a) Elongation at least 40 per cent for 2-inch gauge length and at least 20 per cent in other cases; yield point not over 50 per cent of tensile strength; flattening test not required.

(b) Elongation at least 20 per cent for 2-inch gauge length and 10 per cent in other cases; yield point not over 70 per cent of tensile strength; flattening required, without cracking, to 6 times wall thickness.

17. *Leakage test.* On each cylinder after hydrostatic test; by interior gas or air pressure not less than the service pressure, leakers must be rejected. Required only for cylinders with bottoms closed in by spinning.

#### Rejected Cylinders

18. Reheat treatment authorized; subsequent thereto, acceptable cylinders must pass all prescribed tests. Repair by welding not authorized.

#### Marking

19. *On each cylinder.* By stamping plainly and permanently on shoulder, top head, or neck as follows:

(a) ICC \* \* \* ; stars to be replaced by specification number under which the container was made, followed by the service pressure (for example, ICC-3BN400, etc.).

(b) A serial number<sup>a</sup> and an identifying symbol (letters); location<sup>b</sup> of number to be just below the ICC mark; location<sup>c</sup> of symbol to be just below the number. The symbol and numbers must be those of purchaser, user, or

<sup>a</sup>Lot numbers, not over 500 cylinders in each lot, authorized for cylinders not over 2 inches outside diameter.

<sup>b</sup>Symbol in front of or following the number with ample space between is also authorized. Other variation in location authorized only when necessitated by lack of space.

maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized.

Example:

ICC-3BN400  
1234  
XY

(c) Inspector's official mark, near serial number; date of test (such as 5-37 for May 1937), so placed that dates of subsequent tests can be easily added, and the word SPUN, near ICC mark, when bottom of cylinder is formed by spinning process.

20. *Size of marks.* At least  $\frac{1}{4}$  inch high if space permits.

#### Report

21. *Inspector's report.* Required to be clear, legible, and as prescribed in par. 21 of specification 3A, except substituting the word "nickel" for the word "steel".

Amending order May 12, 1930, as follows:

(Add) Specification 5K—Nickel Barrels or Drums

[Removable head containers not authorized]

#### General

1. *Compliance.* Required in all details.

2. *Rated capacity—as marked, see paragraph 11 (c).* Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 per cent plus 1 quart; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 per cent plus 1 gallon.

#### Material

3. *Composition.* Material must be, except for rolling hoops and chime reinforcement, nickel at least 99 per cent pure.

4. *Weight of sheets.* No restrictions.

#### Construction

5. (a) *Seams.* Body seams welded.

(b) Head and chime seams welded or double-seamed.

(c) Flanges for closures welded in place.

6. *Chime reinforcements.* Containers over 25 gallons capacity, with flanged head secured to body, to have chime reinforcement adequate for its protection.

7. *Parts and dimensions.* As follows:

Marked capacity not over—	Type of container	Minimum thickness in the black (gare, U. S. standard)		Rolling hoops		
		Body sheet	Head sheet	Type	Minimum	
					Size (inch)	Weight (pounds per foot)
10 gallons.....	St. side.....	16	16	None.....		
30 gallons.....	do.....	16	16	I-bar.....	$\frac{3}{4}$ by $1\frac{1}{4}$ .....	1.25
55 gallons.....	do.....	14	14	do.....	1 by $1\frac{1}{2}$ .....	1.60
110 gallons.....	do.....	12	12	do.....	1 by $1\frac{3}{4}$ .....	
30 gallons.....	Bilge.....	14	16	None.....		
55 gallons.....	do.....	13	14	do.....		



8. *Rolling hoops.* Separate hoops to have tight fit on shell and be firmly secured in place. Beading under rolling hoops or spot welding not permitted.

9. (a) *Closures.* Adequate to prevent leakage; gaskets required.

(b) Closing part\* (plug, cap, plate, etc.) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3-inch diameter and the closing part is constructed, or fitted with sealing device, so that it can not be removed without destroying it or the sealing device.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 5 or more complete threads; two drainage holes of not over  $\frac{3}{16}$ -inch diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 5 threads when screwed home with gasket in place.

(d) Closure must be of screw-thread type or fastened by screw-thread device.

(e) Openings over 2.3-inch diameter not permitted. Threads for plug or cap must be 8 or less per inch when over  $\frac{3}{4}$ -inch standard pipe size; thread diameters and thread form must conform with the following drawing; other details shown on the drawing are recommended:

(Cut same as in par. 10 (d) of specification 5A)

10. *Defective containers.* Leaks and other defects to be repaired by method used in constructing container, not by soldering.

#### Marking

11. *On each container.* By embossing on head with raised marks as follows:

(a) ICC-5K. This mark shall be understood to certify that the container complies with all specification requirements.

\* This does not apply to a cap seal over a closure which closure complies with all requirements.

(b) Name or symbol (letters) of maker; this must be recorded with the Bureau of Explosives.

(c) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 14-55-39). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example 14/12-55-39 for body 14 gauge and head 12 gauge).

12. *Size of markings (minimum).* One-half inch high for 33-gallon or less,  $\frac{3}{4}$  inch for over 33 and not over 55 gallons, and 1 inch for over 55 gallons.

#### Tests

13. *Type tests.* Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 12 months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(a) Test by dropping, filled with water to 98 per cent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(b) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

14. *Leakage test.* Each container shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Leakers shall be rejected or repaired and retested.

#### Specification 6J

Superseding and amending 2d item of table, par. 2, specification 6J, order Nov. 1, 1934, to read as follows:

Marked capacity	Maximum permitted gross weight (pounds)	Type of container	Minimum thickness in the black (gage, U. S. standard)		Type	Rolling hoops	
			Body sheet	Head sheet		Minimum	
						Size (gage or inch)	Weight (lbs. per foot)
5 to 55 gallons.....	480	Straight side.....	18	18	(1)		

<sup>1</sup> Rolled or swaged-in hoops.

Amending order May 12, 1930, as follows:

(Add) Specification 12E—Fiberboard Boxes

1. *Compliance.* Required in all details. Box authorized only for a single square metal can, not over 5-gallon capacity.

2. *Packing.* Must be packed as necessary to afford adequate protection against breakage or damage. Bottom pad of double-wall board (may be non-test) required in all cases. Top pad or pads of double-faced or double-wall board, at least 200-pound test, or equivalent protection of filling opening, required in all cases.

3. *Fiberboard required.* Board for outside container must be at least 400-pound test; body will be double-wall board; heads may be double-faced board.

4. *Parts of board.* Both outer facings must be water-proofed, corrugated sheets at least 0.009 inch thick and all parts securely glued together throughout all contact areas. Each facing must be at least 0.016 inch thick.

5. *Tape for joint.* Coated with animal glue at least equal to No. 1 $\frac{3}{4}$  Peter Cooper standard. Cloth tape of strength, across width, at least 70 units, Elmendorf test. Sisal tape of 2 sheets of No. 1 Kraft paper, total weight 80 pounds per ream (480 sheets, 24 by 36 inches); sheets to be combined with asphalt and reinforced by unspun sisal fibers completely embedded in the asphalt and extending across the tape.

6. *Type of box authorized.* One piece body with separate heads.

7. *Body.* Each end of body must have 4 flanges, creased to bend over outside of body, at least 2 $\frac{1}{2}$  inches long beyond crease.

8. *Flanged heads.* Each head must have 4 flanges, one on each edge, creased to bend over outside the body of the box and then under the body-flanges, of length at least 5 inches exclusive of creases.

9. *Forming.* Parts must be cut true to size and so creased and slotted as to fit closely into position without cracking, surface breaks, separation of parts outside of crease, or undue binding.

10. *Joints.* One butt joint taped is authorized; 3-inch tape required.

11. *Authorized gross weight (when packed).* Sixty-five pounds.

12. *Closing for shipment.* By applying heads with head-flanges tucked under body-flanges and then fastening each head in place with a flat steel strap, at least  $\frac{3}{8}$  inch by 0.015 inch, extending around the 4 sides of the body and securely sealed.

13. (a) *Marking.* Required as follows:

(b) The mark ICC-12E65 in a rectangle. This mark shall be understood to certify that the container complies with all specification requirements.

(c) Name and address of plant making the container; symbol (letters) authorized if recorded with the Bureau of Explosives. This mark to be located just above or below the mark specified in (b).

(d) *Size of markings.* At least  $\frac{1}{2}$  inch high.

Superseding and amending 4th sub-par. of par. 3 (b), specification 21A, order December 15, 1931, to read as follows:

Heads of drums must be formed by flanging inward the walls of shells and slip covers, without reduction in thickness, and fastening fiber disks inside and outside of flanges with adhesive and by stapling, so as to form tight dust-proof heads. When head is formed while shell



is being wound by interleaving an inwardly flanged portion of the shell with disks of like material and thickness for each lamination of the shell, no staples are required.

Superseding and amending 6th sub-par. of par. 3 (b), *specification 21A*, order April 7, 1931, to read as follows:

For heads and slip covers, adhesive must entirely cover contact surfaces of flanges and disks. Stapling must be at 1½-inch, or less, intervals on a circle about one inch from side walls. Staples must be driven through outside disk, flange, and inside disk, and be clinched. Stapling may be omitted if interleaving method of construction of shell and head is used.

Superseding and amending *specification 36B*, order November 1, 1934, as amended by order February 13, 1939, to read as follows:

*Specification 36B—Burlap Bags—Lined*  
General

1. *Compliance.* Required in all details.

2. *Capacity.* Not over 100 pounds, net.

Material

3. *Burlap.* At least equal in quality and strength to 10-oz., 40-inch (10/40), Calcutta A and/or B mill grade. Thread count at least 11 per 37/40 inch, porter, and 12 per inch, shot; this to be an average of 6 counts.

4. *Paper.* No. 1 Kraft, creped; at least 25 pounds per ream (480 sheets, 24 x 36 inches) before creping.

Construction

5. (a) *Assembly.* Burlap to be lined with 2 sheets of creped paper cemented together and to burlap.

(b) Adhesive between paper sheets to be asphalt, melting point 150° F., at minimum rate of 110 pounds per ream.

(c) Adhesive between paper and burlap to be either: (1) Curing rubber latex at minimum rate of 40 pounds, dry weight, per ream; (2) Asphalt, any desirable type, at minimum rate of 110 pounds per ream.

6. *Stretch of paper lining.* At least equal to that of burlap in direction of warp and fill and equal to 10 per cent in diagonal direction.

7. *Seams.* By cementing or taping to give seam strength at least equal to that of bag material and prevent sifting.

8. *Test.* The finished container, filled and closed as for shipment, must be capable of withstanding drop test of 4 feet on the butt without sifting or rupture of burlap or liners.

Marking

9. *On each container.* By marks at least one inch high as follows:

(a) ICC-36B. This mark shall be understood to certify that the container complies with all specification requirements.

(b) Name and address of maker; located above or below the mark specified in (a).

Closing for Shipment

10. As specified for seams, paragraph 7; or, by tying with 2 steel wires of at least No. 16 Birmingham wire gauge.

Superseding and amending par. 19, *specification 103*, order May 12, 1930, to read as follows:

19. *Retests of tanks and safety valves.* Tanks and safety valves must be retested, as prescribed for original tests in paragraphs 17 and 18, at intervals of ten years or less after the original test. Tanks must also be retested before being returned to service after any repairs requiring extensive riveting or caulking. Reports must be rendered as prescribed in paragraph 21.

PART V—WATER

Amending table of *recommended stowage*, order August 24, 1934, as follows:

Article: (Add) Nitrosyl chloride; properties, incombustible gas; suffocating and irritating corrosive qualities; label, green gas; outside containers, cylinders; stowage, A or B, keep cool.

*It is further ordered,* That the aforesaid regulations as further amended herein shall be and remain in force on and after May 15, 1940, and shall be observed until further order of the Commission;

*It is further ordered,* That compliance with the aforesaid amendments made effective by this order is hereby authorized on and after the date of approval and publication thereof;

*And it is further ordered,* That copies of this order be served upon all the respondents herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 9th day of February 1940.

By the Commission, Commissioner Allredge.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 40-745; Filed, February 20, 1940; 10:21 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

IN THE MATTER OF APPLICATION FOR THE EXEMPTION OF THE CLEANING, BAGGING AND HANDLING OF SUGAR BEET SEED FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938

Whereas, application has been filed by the Western Seed Production Corpora-

tion of Phoenix, Arizona, for the exemption of the cleaning, bagging, and handling in cleaning plants of sugar beet seed from the maximum hours provisions of the Fair Labor Standards Act of 1938 as an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of the Regulations issued thereunder, and

Whereas, it appears that:

(1) Sugar beet seed begins to mature in June or July each year; and

(2) the seed upon maturity is promptly harvested, cured and threshed on the farm and then delivered to the cleaning plants, where it is immediately cleaned, bagged and shipped to warehouses; and

(3) the prompt cleaning and shipment of the seed are necessary to handle the crop as it comes from the farms, to provide prompt payment to the grower, and to put the seed in condition for storage to prevent deterioration; and

(4) the cleaning plants cease operation in November of each year, or earlier, when the whole crop has been cleaned, because the materials used by the industry are no longer available owing to natural factors; and

(5) the cleaning plants shut down in November or earlier each year and no work is performed therein until the following June except for maintenance and repair.

Now, therefore, upon consideration of the aforesaid facts, the Administrator hereby determines, pursuant to § 526.5 (c) of the Regulations, that a *prima facie* case has been shown for the granting of an exemption, pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, to the cleaning, bagging, and handling of sugar beet seed in cleaning plants.

In accordance with the procedure established by § 526.5 (c) of the Regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case.

This application may be examined at Room 313, 939 D Street, N. W., Washington, D. C.

Signed at Washington, D. C., this 12th day of February, 1940.

HAROLD D. JACOBS,  
Administrator.

[F. R. Doc. 40-743; Filed, February 19, 1940; 3:22 p. m.]



**IN THE MATTER OF APPLICATION FOR THE EXEMPTION OF THE CLEANING AND PROCESSING OF REDTOP SEED FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938**

Whereas, application has been filed by the Shultz Seed Company of Olney, Illinois, for the exemption of the cleaning and processing of Redtop seed from the maximum hours provisions of the Fair Labor Standards Act of 1938 as an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of the Regulations issued thereunder, and

Whereas, it appears that:

(1) ninety-five per cent of the total Redtop seed crop in the United States is produced in Southern Illinois; and

(2) the harvest of Redtop seed begins about the middle of July and the seed is cured and is threshed as soon as practicable thereafter; and

(3) the Redtop seed is delivered to cleaning plants after threshing where it is promptly cleaned and processed to avoid deterioration; and

(4) the Redtop seed is cleaned and processed each year from late July or August to December in plants that, with negligible exceptions, are engaged in the cleaning and processing solely of Redtop seed and that cease operations except for such work as maintenance, repair, and sales work because of the fact that owing to natural factors the Redtop seed is no longer available.

Now, therefore, upon consideration of the facts above set forth, the Administrator hereby determines, pursuant to § 526.5 (c) of the Regulations, that a *prima facie* case has been shown for the granting of an exemption, pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, to employees in establishments that clean and process Redtop seed.

In accordance with the procedure established by § 526.5 (c) of the Regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case.

This application may be examined at Room 313, 939 D Street NW., Washington, D. C.

Signed at Washington, D. C., this 12th day of February 1940.

HAROLD D. JACOBS,  
Administrator.

[F. R. Doc. 40-744; Filed, February 19, 1940; 3:22 p. m.]

**CIVIL AERONAUTICS AUTHORITY.**

**Air Safety Board.**

[Docket No. 11]

**IN THE MATTER OF INVESTIGATION OF ACCIDENT INVOLVING AIRCRAFT NC 22890, WHICH OCCURRED NEAR PITTSBURG, KANSAS, ON WEDNESDAY, FEBRUARY 14, 1940**

**NOTICE OF HEARING**

Public hearing in the above entitled matter having been ordered by the Air Safety Board under date of February 16, 1940, and notice thereof filed with and published in the FEDERAL REGISTER, such proceeding is hereby assigned for hearing before Examiner Fred M. Glass, at 9:00 A. M., (C. S. T.), Wednesday, February 21, 1940, in the District Court Room, Crawford County, Pittsburg, Kansas.

Dated, Washington, D. C., February 20, 1940.

By the Board.

[SEAL]

L. R. INWOOD,  
Acting Executive Officer.

[F. R. Doc. 40-747; Filed, February 20, 1940; 11:43 a. m.]

**FEDERAL COMMUNICATIONS COMMISSION.**

[Docket No. 5367]

**IN RE APPLICATION OF MIAMI BROADCASTING CO. (NEW)**

*Dated, 5/30/39 for construction permit; class of service, broadcast; class of station, broadcast; location, Miami, Florida; operating assignment specified: Frequency, 1420 kc; power, 250 w night, 250 w LS; hours of operation, unlimited*

[File No. B3-P-2151]

**NOTICE OF HEARING**

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the financial qualifications of the applicant to construct and operate the proposed station.

2. To determine the type of program and technical service the applicant proposes to render.

3. To determine whether the operation of the proposed local (Class IV) station, in the same city where the applicant is presently the licensee of an existing regional (Class III-B) station, would serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Miami Broadcasting Company,  
327-329 N. E. 1st Avenue,  
Miami, Florida.

Dated at Washington, D. C., February 16, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-739; Filed, February 19, 1940; 2:09 p. m.]

[Docket No. 5827]

**IN RE APPLICATION OF SANTA MONICA MUNICIPAL AIRPORT, CITY OF SANTA MONICA (NEW)**

*Dated, 8/30/39 for construction permit; class of service, aviation; class of station, airport; location, Santa Monica, (Los Angeles), Calif.; operating assignment specified: Frequency, 278 kc; power, 15 watts, emission A3; hours of operation, 9 a. m. to sunset; points of communication, aircraft*

[File No. T-5-PK-520-P]

**NOTICE OF HEARING**

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the need for the proposed station.

2. To determine whether or not interference would result to the service of existing stations from use of the frequency 278 kilocycles as proposed.

3. To determine what arrangements may be made for cooperative use of the frequency 278 kilocycles in the Los Angeles area in order to eliminate interference.

4. To determine whether or not any other frequency may be successfully and satisfactorily used in the Los Angeles area for airport control purposes.

5. To determine whether or not new rules and regulations should be adopted by the Commission governing airport control radio stations.

6. For the purpose of working out a solution to the interference problem existing in the Los Angeles area with respect to use of the frequency 278 kilocycles.

7. To determine whether or not the granting of the application would serve public interest, convenience and necessity.



The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Santa Monica Municipal Airport,  
City of Santa Monica,  
3300 Ocean Park Blvd.,  
Santa Monica, Calif.

Dated at Washington, D. C., February 16, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-740; Filed, February 19, 1940;  
2:09 p. m.]

[Docket No. 5828]

#### IN RE APPLICATION OF CITY OF LOS ANGELES

*Dated 7/20/38 for construction permit; class of service, aviation; class of station, airport; location, Los Angeles, Calif.; operating assignment specified: Frequency, 278 kc; power, 15 watts, emission A3; hours of operation, 24 hours; points of communication, control tower and aircraft*

[File No. T5-PK-406-P]

#### NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the need for the proposed station.
2. To determine whether or not interference would result to the service of existing stations from use of the frequency 278 kilocycles as proposed.
3. To determine what arrangements may be made for cooperative use of the frequency 278 kilocycles in the Los Angeles area in order to eliminate interference.
4. To determine whether or not any other frequency may be successfully and satisfactorily used in the Los Angeles area for airport control purposes.
5. To determine whether or not new rules and regulations should be adopted by the Commission governing airport control radio stations.
6. For the purpose of working out a solution to the interference problem existing in the Los Angeles area with re-

spect to use of the frequency 278 kilocycles.

7. To determine whether or not the granting of the application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

City of Los Angeles,  
Department of Airports,  
Los Angeles, Calif.

Dated at Washington, D. C., February 16, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-741; Filed, February 19, 1940;  
2:09 p. m.]

[Docket No. 5829]

#### IN RE APPLICATION OF UNITED AIRPORTS COMPANY OF CALIFORNIA, LTD. (KBLA)

*Dated 12/15/39 for renewal of airport station license; class of service, aviation; class of station, airport; location, Burbank, Calif.; operating assignment specified: Frequency, 278 kc; power, 15 watts normal operation 100 watts when operating as miniature radio range station, Emission A3 and Spec.; hours of operation, continuous; points of communication with aircraft stations*

[File No. T-5-RK-154-P]

#### NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the need for continued operation of this station.
2. To determine what arrangements may be made for cooperative use of the frequency 278 kc in the Los Angeles area in order to eliminate interference.
- (a) To determine whether or not adequate service may be rendered by Station KBLA when operating on the frequency 278 kc on a shared basis.
3. To determine whether or not new rules and regulations should be adopted

by the Commission governing airport controlled radio stations.

4. To determine whether the continued operation of the station would serve public interest, convenience, or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

United Airports Company of California, Ltd.,  
995 National Press Building,  
Washington, D. C.

Dated at Washington, D. C., February 17, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-742; Filed, February 19, 1940;  
2:09 p. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of February, A. D. 1940.

[File Nos. 32-169 and 44-41]

#### IN THE MATTER OF THE MARION-RESERVE POWER COMPANY AND UTILITY SERVICE COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND APPROVING APPLICATIONS

The Marion-Reserve Power Company having filed an application and amendments thereto pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of such Act of issuance and sale by said Company to the public of \$7,750,000 principal amount of First Mortgage Bonds, 3½% Series, due February 1, 1960; to The Chase National Bank of the City of New York of \$1,250,000 principal amount of Eight-Year, 2½% Promissory Notes; to the public of 7,500 shares of \$5 Preferred Stock (without par value) and to Utility Service Company of 3,000 shares of Common Stock (without par value) and a declaration and amendments thereto



pursuant to Section 7 of the Act regarding an alteration of certain rights of the holders of The Marion-Reserve Power Company's outstanding Preferred and Common Stock; The Marion-Reserve Power Company having also filed an application pursuant to Rule U-12C-1 (b) for approval of the purchase of \$750,000 principal amount of underlying First Mortgage Bonds, 4½% Series, due 1948 at 101% of the principal amount thereof and accrued interest thereon and \$600,000 face amount of Ten-Year Serial Notes issued by The Marion-Reserve Power Company at the face amount thereof and accrued interest thereon;

The Marion-Reserve Power Company and its parent, Utility Service Company, having filed a joint application and amendments thereto, pursuant to Rules U-12C-1 (b), U-12D-1 and U-12F-1 promulgated under the Act and a joint declaration and amendments thereto pursuant to Rule U-12B-1 (c) promulgated under the Act for approval of the surrender by Utility Service Company for cancellation of 9,101 shares of \$5 Preferred Stock of The Marion-Reserve Power Company held by it and the acquisition of these shares by The Marion Reserve Power Company;

Consolidated hearings having been held on the declarations and applications, as amended, and the Commission having examined the record in this matter and having made and filed its Findings and Opinion herein:

*It is ordered*, That the application, as amended, of The Marion-Reserve Power Company pursuant to Section 6 (b) of the Act exempting from the provisions of Section 6 (a) the issuance and sale to the public of \$7,750,000 principal amount of First Mortgage Bonds, 3½% Series, due February 1, 1960; to The Chase National Bank of the City of New York of \$1,250,000 principal amount of Eight-Year, 2½% Promissory Notes; to the public of 7,500 shares of \$5 Preferred Stock (without par value) be and hereby is approved; and to Utility Service Company of 3,000 shares of Common Stock (without par value) be and it hereby is approved; and the declaration, as amended, pursuant to Section 7 regarding the alteration of the rights of the Preferred and Common Stock, be and become effective forthwith; and that its application, as amended, filed pursuant to Rule U-12C-1 (b), for approval of the acquisition of \$750,000 principal amount of underlying First Mortgage Bonds, 4½% Series, due 1948 at 101% of the principal amount thereof and accrued interest thereon and \$600,000 face amount of Ten-Year Serial Notes issued by it at the face amount thereof and accrued interest thereon be and it hereby is approved;

*It is further ordered*, That the application, as amended, of The Marion-Reserve Power Company and Utility Service Company under Rules U-12C-1, U-12D-1, U-12F-1 for the approval of the acquisition and retirement by The

Marion-Reserve Power Company of 9,101 shares of its outstanding \$5 Preferred Stock and the sale of said stock by Utility Service Company be and it hereby is approved and their joint declaration, as amended, under Rule U-12B-1 regarding the same transaction be and it hereby is permitted to become effective; and

*It is further ordered*, That in connection with the issuance of the securities and the other transactions herein approved, the following terms and conditions are severally imposed upon The Marion-Reserve Power Company and Utility Service Company insofar as they may be applicable to either or both of them:

(1) That the various steps involved in the several applications and declarations shall be carried out and effected respectively in accordance with the terms and conditions of and for the purposes represented by said applications and declarations, as amended;

(2) That within ten days after the issue and sale of the securities and within ten days after the transfer of assets involved in these transactions, the applicants and declarants shall file with this Commission a certificate of notification showing that the issue and sale of said securities and the transfer of said assets have been effected in accordance with the terms and conditions of and for the purposes represented by said applications and declarations, as amended, and in accordance with the terms of this order;

(3) That within ten days after the change in the common stock of The Marion-Reserve Power Company from stock without par value to stock having a par value, The Marion-Reserve Power Company file with this Commission a certificate of notification so showing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-750; Filed, February 20, 1940;  
12:14 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of February, A. D. 1940.

[File No. 43-268]

*IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION*

*ORDER MAKING DECLARATION EFFECTIVE*

American Utilities Service Corporation, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935, in regard to a reduction of the interest rate on declarant's 6% Serial Notes outstanding in the aggregate principal amount of \$315,000 as of November 7, 1939;

A public hearing having been held on such declaration, after appropriate notice; the record in this matter having been considered; and the Commission having made its findings herein;

*It is ordered* that such declaration be and become effective forthwith, subject however, to the condition that such reduction in interest be carried out in accordance with the terms and conditions of, and for the purposes represented by, said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-748; Filed, February 20, 1940;  
12:13 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of February, A. D. 1940.

[File No. 2-3953]

*IN THE MATTER OF U S CHROMIUM, INC.*

*STOP ORDER*

This matter coming on to be heard before the Commission on the registration statement (File No. 2-3953) of U S Chromium, Inc., an Oregon corporation, after confirmed telegraphic notice to the registrant that it appears that the registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading;

Evidence having been received upon the matters set forth in the statement of matters to be considered duly served by the Commission on said registrant, and the Commission having duly considered the record, having read the briefs and heard the arguments of counsel and being fully advised in the premises, and finding that the registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary in order to make the statements therein not misleading;

The Commission having determined not to consider, until after the issuance of a stop order, amendments to said registration statement filed by U S Chromium, Inc. on September 19, 1939; all as more fully set forth in the Commission's Findings and Opinion this day issued;

*It is ordered*, Pursuant to Section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement (File No. 2-3953), filed by U S Chromium, Inc., be and it is hereby suspended; and

*It is further ordered*, That the registrant's application to dispense with the filing of Lyn McFadden's consent to



the use of his report filed as Exhibit E (a) to the registration statement, as required by Section 7 of the Act, be and it is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-749; Filed, February 20, 1940;  
12:13 p. m.]

*United States of America—Before the  
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of February, A. D. 1940.

[File No. 32-150]

IN THE MATTER OF NATIONAL GAS & ELECTRIC CORPORATION, PUBLIC GAS & COKE COMPANY, NATIONAL UTILITIES COMPANY OF MICHIGAN, MICHIGAN FUEL AND LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

Applications and declarations pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on March 19, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building,

1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 14, 1940.

The matter concerned herewith is in regard to applications and declarations to effectuate a plan of reorganization of Public Gas & Coke Company, a registered holding company, and Michigan Fuel and Light Company, a subsidiary thereof. Under the terms of the plan the publicly held securities of these two companies would be exchanged for \$308,530 principal amount of First Lien Collateral Trust Bonds of National Gas &

Electric Corporation (a registered holding company), with interest thereon from February 1, 1936; not more than 139,703.63 shares of the common stock of said company; and \$18,996 in cash; except that the holders of certain of said publicly held securities may elect to receive cash in place of common stock of National Gas & Electric Corporation.

The plan also provides for a merger of Michigan Fuel and Light Company and National Utilities Company of Michigan, a subsidiary of National Gas & Electric Corporation. National Utilities Company of Michigan would assume the first mortgage indebtedness of Michigan Fuel and Light Company in the principal amount of \$2,402,500, as well as the unsecured indebtedness of Michigan Fuel and Light Company (all of which would then be owned by National Gas & Electric Corporation). The lien on said first mortgage bonds of Michigan Fuel and Light Company would be lifted, and \$800,000 principal amount thereof would be refunded with a like principal amount of National Utilities Company of Michigan First Mortgage 5% Bonds.

Sections 6 (b), 7 and 10 of the Act and Rules U-12C-1, U-12D-1, and U-12F-1 have been designated by the applicants and declarants as applicable to these transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

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12:35 p. m.]